THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION Nos.3633 of 2006 and 2292 of 2007

Date: 15.02.2007

W.P.No.3633 of 2006

Between:

S.Ranga Reddy

....Petitioner

and

The Divisional Engineer,
A.P.TRANSCO & others.

....Respondents

W.P.No.2292 of 2007

Between:

G.Ravinder Reddy and another.

....Petitioners

and

The Divisional Engineer,
A.P.TRANSCO & others.

....Respondents

COMMON O R D E R:

These two writ petitions relate to the shifting of an existing transformer from the frontage of plot No.9 to plot No.75 of Durga Bhavani Nagar, Chempapet, L.B.Nagar, Ranga Reddy District.

The petitioner in W.P.No.3633 of 2006 is the owner of plot No.76. He constructed a multi-storied complex comprising of 12 flats in it. It is stated that a transformer with 33 K.V. capacity to cater the needs of the residents of the flats has already been erected in front of his plot.

The petitioners in W.P.No.2292 of 2007 are the owners of plot No.9 admeasuring 379 sq.yards in the same locality. The plot is vacant even as of now. The authorities of the then A.P. Electricity Board have erected 150 K.V. transformer in front of plot No.9. The petitioners intended to undertake construction in the plot and on finding that the continued existence of transformer would pose threat to the inmates, made a request to the respondents to shift the same at their cost. The matter was examined and the respondents have decided to shift the said transformer opposite to plot No.75. Proceedings to this effect were issued on 07.02.2006 and work order was issued on 15.02.2006.

The petitioner in W.P.No.3633 of 2006 complains about

shifting of transformer from plot No.9. According to him, the proposed location for shifting would result in threat to his security and seeks a direction to the respondents not to shift the transformer from its existing place.

Citing the pendency of W.P.No.3633 of 2006, the authorities of the A.P. TRANSCO have stopped the work of shifting. W.P.No.2292 of 2007 is filed for a direction to the respondents to carry out the work in accordance with the proceedings, dated 07.02.2006.

Sri Durga Prasad, the learned counsel for the petitioner in W.P.No.3633 of 2006 submits that 315 K.V. transformer was existing in plot No.9 for the last several decades and there is absolutely no justification for shifting the same to the neighbourhood of his client. He contends that the whole action is motivated.

Sri T.Suryakaran Reddy, the learned counsel for the petitioners in W.P.No.2292 of 2007, submits that his clients did not feel any inconvenience as long as their plot was vacant. He contends that the transformer was erected even by encroaching into part of plot No.9. He further contends that the transformer is being shifted to a place abutting plot No.75, which belongs to the community and that the petitioner in W.P.No.3633 of 2006 cannot have any objection for the same.

Sri Sreeramulu Reddy, the learned standing counsel for A.P.TRANSCO, on the other hand, submits that on a request made by the petitioners in W.P.No.2292 of 2007, necessary survey was conducted and ultimately the site in front of plot No.75 was

chosen, since it did not pose any security threats to private individuals.

The whole dispute is about the choosing of location for shifting of a transformer existing in front of plot No.9. Admittedly, the transformer erected at that place at a time when the plot was vacant. The allegation that part of plot was encroached for the purpose of erecting the transformer remains unrebutted. Since the owners of that plot intended to undertake construction in it, they approached the authorities of the A.P. TRANSCO for shifting the same to a nearer and safer place. It is in this context that a spot in front of plot No.76 was chosen.

The complaint of owner of plot No.76 i.e. petitioner in W.P.No.3633 of 2006 is that already there exist a 33 K.V. transformer in front of their site and shifting of another transformer to the neighbourhood would pose threat to the safety of flat owners. It must not be forgotten that 33 K.V. is installed for the exclusive benefit of the owners of the flats. Notwithstanding the same, there can be said to have a genuine grievance, if the other transformer is shifted in front of his site. Admittedly, the site selected for shifting of other transfer is abutting plot No.75, which belongs to the community. There would not be any regular inmates for the same. Further, the respondents have taken all precautions to ensure safety to the persons in the vicinity. This Court does not find any basis to interfere with such shifting.

For the foregoing treasons, the writ petitions are disposed of, directing that the respondents i.e. the authorities of A.P. TRANSCO shall ensure that the transformer existing in front of plot No.9 is shifted to the place in front of plot No.75 in such a manner as not to pose any threat to the neighbouring plots also.

There shall be no order as to costs.

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15.02.2007

Note: Issue C.C. in three days.
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